



Speech by

**Fiona Simpson**

**MEMBER FOR MAROOCHYDORE**

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## **TRANSPORT LEGISLATION AMENDMENT BILL**

**Miss SIMPSON** (Maroochydore—NPA) (3.54 pm): It is with pleasure that I rise to speak to this legislation, which amends a number of acts. I am particularly keen to speak to those amendments that relate to hooning. There has been bipartisan support for a tougher monitoring of the laws for those who breach their duty of care and responsibilities as drivers in our community. It may be only the minority of people who take to the streets, hoon around, drive dangerously and destroy the amenity of our local communities, but in recent years this has been an increasing problem.

The opposition supported the legislation that enabled vehicles to be taken off those people who engage in those very antisocial activities. However, there are other provisions that are required to curb that bad behaviour. That is why this legislation contains amendments to the Transport Operations (Road Use Management) Act. These amendments will introduce a minimum period of disqualification of six months for racing and speed trials on roads. They will also clarify the penalty for high-speed offences. The court could apply a longer period of disqualification. However, it cannot impose a period shorter than six months. That is consistent with the disqualification period for high-speed offences. I support that.

This legislation also produces special hardship licence provisions for suspended drivers. This will allow the court to award a conditional licence to a suspended driver. At the moment, the court's only option is to give a person their licence back or deny the request. I received a briefing from the department on this matter. I was concerned as to whether this amendment was going soft on those who were breaking the law and whether conditional licences would be abused by these people who had been driving recklessly. I was assured by departmental officers that the reason for this provision is that there was some concern, as I understand it, that the courts may opt not to take the licence off somebody if there was a genuine case of hardship. Therefore, there was really no in-between ground—

**Mr Lucas:** They used to get their licence back absolutely, without any work licence provision or any real penalty. That is why we decided to change the law.

**Miss SIMPSON:** I take the minister's interjection. That is why I am satisfied that the intention of this legislation is to impose conditions upon those drivers.

I think it is important that we continue to monitor how the courts apply the provisions of this legislation. Certainly, if we find that these drivers abuse their conditional licences in the belief that they will get their full licences back, I would not be happy. But I understand that this amendment is about striking a balance, with a concern for the fact that courts may have given people their licence back in full rather than taken their licences off them with conditions for work purposes.

I ask the minister to consider a further amendment in the future in regard to those who are abusing our roads by hooning. One of the concerns that local police have raised with me is that sometimes they have difficulty identifying the drivers. They have seen an offence committed and they have pulled over the vehicle. But whether the person who claims to have been driving is the person who was driving at the time the offence was committed can be debated. However, in terms of offences that are detected through the use of red-light cameras, there is the reversal of the onus of proof in that the registered owner is deemed to

have been the person who has committed the offence unless the owner divulges who the driver was at the time.

While I do not normally support reverse onus provisions in law, I believe there is a balanced argument that it is in the public interests of safety to have reverse onus provisions, similar to those for red-light cameras, apply to those who are committing these types of hooning offences. If the police pull somebody over and they have difficulty identifying who the driver was and who was in control of the vehicle at the time, they should still have the ability to at least go to the registered owner of the vehicle to try to apply the penalty through those means. Unfortunately, the issue of hoons is ongoing. It is a bit like mowing grass. As sure as it is dealt with it one day it will reoccur another day. It does require constant monitoring. Unfortunately, it is very resource intensive for police and also transport officers.

I take the opportunity to raise another related issue—that is, the noise of these vehicles. There has been criticism that these vehicles are able to be supered up so that there is significant noise in the community which is destroying the amenity of the local community, but the ability to test that noise and take action in a timely way is limited to people being forced to go to the transport department and have their vehicles tested. The alternative is to use some of the mobile equipment that I understand the department does have. However, my concern is that we have not seen how widespread the use of this mobile equipment is. I am very keen to see the use of any resources that can be used in a timely way to hit people who are abusing our streets and disturbing the peace and quiet.

I know that this is something that the police minister also has within her portfolio, but it does require cooperation across portfolios. I would like to see this equipment used more on the Sunshine Coast so that the message goes out about noise on our streets. It is not just about the safety issue but also about the amenity. Unfortunately, the amenity is such that when noisy vehicles are upsetting not only our tourist operators but also the people who live in an area it has a huge impact on our economy. It requires constant vigilance and constant monitoring, and additional resources would be welcome. I would like to see more of that applied in my own area of the Sunshine Coast, particularly around Mooloolaba, where this has been an ongoing issue.

I want to go to the other provisions of this legislation that address marine pollution. As the member for Chatsworth, our shadow transport minister, has extensively outlined, there are a number of provisions that we support with regard to the amendments to the marine pollution act. I have raised concerns in the parliament previously about marine pollution. The problem that we have as the population booms is that we have a boom not only in the number of vehicles on our roads but also in the number of vessels in our waterways. So the effective monitoring and policing of marine pollution provisions is extremely important. I remember a few years ago a figure was quoted that there would be a doubling of the number of registered vessels in our waterways within the next 10 years. I was advised of that only about five years ago.

**Mr Lucas:** Our rate of boat ownership is growing faster than that of our population, and that is booming ahead of the rest of Australia. So it is a big issue.

**Miss SIMPSON:** It is a big issue. I thank the minister. That is why I believe it is necessary that we have more monitoring and more policing of our waterways with regard to safe boating and also with regard to marine pollution. I am most concerned that people are abusing the laws that are already in place with regard to marine pollution. It is difficult, though, to find the people who are dumping sewage and effluent into our rivers. I get complaints from people who love the river and who find things in the river that should not be there. Without going into more detail, we want to see our waterways protected.

A small sector of the boating population brings the greater population into disrepute which is unfair to those who love our waterways and look after them. It is also unfair on the environment. The waterways already have a lot of pressure on them from urban development, from stormwater run-off and from erosion along the banks. But they have the additional pressure on them of pollution from those boat owners who are not responsible. It concerns me that we have not really seen an increase in adequate monitoring and policing of existing provisions. I support the additional provisions that this legislation brings forth as they apply to larger ships, but I put on the record that we need to really tighten up on how the existing laws are applied for all vessels.

The other issue I would like to bring to the minister's attention and seek his feedback on is the issue of pump-out facilities. I know that, to date, the response has mainly been to rely on private enterprise to put in place pump-out facilities to cater for the safe removal of effluent from boats. My concern is that, while the legislation is there to provide the framework for effluent disposal in many areas, the physical infrastructure is not necessarily there. This is something that concerns me.

I know there are difficulties with regard to pump-out that a lot of local governments struggle with because we cannot mix marine effluent with normal sewerage systems. It is not compatible with a lot of local government areas. They require different things in order to make sure that they do not compromise the land based systems, but I would like the minister's response on whether an audit has been done of the accessibility of pump-out facilities within these different ports to ensure that, where people morally and legally are obliged to do the right thing with effluent disposal from their vessels, there is in fact practical accessibility to these facilities. It is one thing to have a law that says what we are supposed to do; it is

another thing if there is difficulty in accessing these facilities in a timely and practical way. That is something of concern to me. I would welcome the minister's feedback on that provision.

There has been mention made of public transport. I will take the liberty of addressing the issue of CAMCOS. I welcome the increase in the number of bus services on the Sunshine Coast. I urge the minister's support for the continued increase of these and also as we look for a transit centre for Maroochydore—

**Mr Lucas:** Do you welcome our Caboolture to Landsborough \$480 million upgrade of straightening and duplication? Do you welcome that?

**Miss SIMPSON:** I welcome the upgrade and investment. I do have some concerns about the consultation process that I will be raising further with the minister. I do understand that we need infrastructure and that we need investment. I also understand what it is like to deal with people who find that they are property affected. With respect, while I have supported the upgrade of some roads, I also believe that we as members of parliament have to be very compassionate and understanding. One of the most distressing things people can go through is finding out that, for the public good, they are property affected. What may seem like a mere property transaction for the property officers within government departments can be a very distressing issue for the people who are affected.

I have known people who have literally had heart attacks and died once they have found out that they were property affected. For those who have not been through it it may be hard to imagine, but we need to have compassion and we need to make sure that they are properly consulted. While there is no alternative in some circumstances, we need to ensure that the acquisition process is not just fair but more than fair. I have been critical in the past of how these processes have operated, because sometimes it is very easy for people to lose sight of the human impact. As members of parliament we have to ensure that, if it is for the public good and there is no alternative, they are given every assistance. But there are concerns about consultation in that area, and I will be raising them further with the minister.

With regard to CAMCOS and increases in services on the Sunshine Coast, I am very keen to see these brought forward as much as possible. I am also very keen to see the integrated planning capacity of the transport department really beefed up to deal in a timely way with potentially compatible development around our transport corridors. We need to have appropriate development around our transport corridors because this, in turn, will make them more viable. I think there is a lot more we can do with regard to transport oriented development—not only retrospectively fitting it in existing areas or in identified transport oriented development but also looking at new infrastructure not yet been brought online and how that can be brought forward by the appropriate use of planning.

I do have concerns that the department needs additional capacity to do that in a timely way. In the past I have raised the problem where a corridor is identified but the development is built long before the corridor is under way—for example, rail into Maroochydore—and we potentially end up with a corridor with development beside it that may have otherwise been able to occupy the airspace over the corridor and provide some continuity between both sides of the track so that we have best use planning.

They are practical issues. They are real things that I believe the department has struggled to deal with to date, but they are the challenges that we face with a rapidly urbanising south-east corner and other parts of regional Queensland. If we are going to have appropriate and timely development around those transport hubs, they are the issues that will have to be grasped with practical expertise in a far quicker way. I support the legislation before the House.